

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JACOB D. LITTLE,

Defendant.

Case No. CR20-149 RAJ

ORDER DENYING MOTION TO
REOPEN BOND HEARING

Before the Court is Defendant's motion to reopen detention hearing. (Mot. (Dkt. # 20).) Defendant moves to reopen on the basis that there is new information relevant to the Court's prior finding that there were no conditions or combination of conditions that would mitigate the danger Defendant posed to the safety of the community. The Bail Reform Act provides that a detention hearing may be reopened "at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of the such person as required and the safety of any other person of the community." 18 U.S.C. § 3142(f). The Court does find that there is new information relevant to

1 Defendant's bail determination but that the new information supports the continued detention of
2 Defendant and therefore a new hearing before this Court is not appropriate.

3 At the original detention hearing, the Court stated on the record that it would release
4 Defendant except for the allegations – raised for the first time at the detention hearing – that
5 Defendant was a suspect in a shooting that occurred in August 2020. In reliance on the testimony
6 of ATF Special Agent Lexie Widmer regarding the allegations, the Court detained the
7 Defendant. As Defendant did not have an opportunity to respond to the allegations and because
8 the information was based on speculation that Defendant was involved in the shooting in August
9 2020, the Court stated on the record that the Defendant would be able to reopen the hearing if the
10 allegations were not founded in reality.

11 As explained in the Government's opposition to the motion to reopen the detention
12 hearing (dkt. # 24), the information relating to the Defendant's involvement in the August 2020
13 shooting is now more than speculative. Indeed, on October 13, 2020, the King County
14 Prosecuting Attorney's Office filed an Information charging Defendant with the crime of Assault
15 in the Second Degree arising out of the shooting investigation. (Gov't Resp. at Ex. (Information,
16 Case Summary, and Certification).) The Information alleged that on or about August 30, 2020,
17 Little "did intentionally assault another and thereby recklessly inflict[ed] substantial bodily harm
18 upon [victim] E.R." (Information at 1.) The additional information provided by the Government
19 relating to Defendant's alleged role in the August 2020 shooting provides sufficient evidence for
20 the Court to find that continued detention is appropriate. The additional information relied upon
21 by the Court includes: (1) "[b]ased on DOL photo comparison, booking photo comparison, [and]
22 information provided by ATF and Seattle PD," investigators identified Defendant as the male
23 shooter depicted in videos of the incident; (2) law enforcement received an anonymous tip that

1 Defendant was the shooter; (3) after comparing the social media videos with Defendant's
2 Department of Licensing photograph, as well as evidence compiled by investigators in
3 connection with the SPD stolen rifle, RPD investigators positively identified Little as the heavy-
4 set white male shooter in the black sweatshirt with the yellow logo; and (4) "[n]amed witnesses
5 on scene the night of the shooting also positively identified Defendant as the white male in the
6 khaki Carhartt type pants and black sweatshirt with the yellow logo on the chest, who fired a
7 handgun into the air and in the direction of [the victim]." (Gov't Resp, *see generally* Ex.)

8 The additional information provided by the Government only further supports its
9 allegations from the original detention hearing regarding the August 2020 incident, the Court
10 therefore DENIES Defendant's motion (dkt. # 20) to reopen the detention hearing to consider
11 this new information. The Court GRANTS Defendant's motion to seal (dkt. # 21) and the
12 Government's motion to seal (dkt. # 25).

13 Dated this 22nd day of October, 2020.

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16 MICHELLE L. PETERSON
17 United States Magistrate Judge
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